

1

REMARKS

2 The Applicant respectfully requests reconsideration and allowance of claims 21-40 in
3 view of the following comments.

4 The Applicant appreciates the indication in the FOA that claims 23-26, 28, and 30-40 are
5 directed to allowable subject matter.

6

7 I. THE TELEPHONE INTERVIEW

8 The Applicant appreciates the telephone interview conducted between Examiners Sy and
9 Siconolfi and the undersigned attorney on September 14, 2010. In the telephone interview, the
10 undersigned attorney pointed out the language at element (b) of claim 21 (for example) regarding
11 the relative movement between the actuation element and the base body and the effect of that
12 movement on the condition of the valve. The undersigned attorney also noted that the relative
13 position of the body 7 and plunger 39 in U.S. Patent No. 3,995,534 to Rastetter (the “Rastetter
14 patent”; the reference cited in the FOA Section 102 rejections) had no effect on the condition of
15 the valve 37 in the reference. The undersigned attorney understood Examiners Sy and Siconolfi
16 to agree that the Rastetter patent did not disclose the limitation set out at element (b) of claim 21.
17 It was agreed that the Applicant would file a formal response to the FOA and that Examiners Sy
18 and Siconolfi would consider the case further. No agreement was reached as to the allowability
19 of the claims rejected in the FOA.

1 II. THE CLAIMS ARE NOT ANTICIPATED BY THE RASTETTER PATENT

2 The FOA rejected claims 21, 22, 27, and 29 under 35 U.S.C. §102(b) as being anticipated
3 by the Rastetter patent. The Applicant respectfully traverses these rejections.

4 Both claims 21 and 29 were amended in the response filed May 24, 2010, to clarify that
5 the actuation element is mounted on the base body so as to facilitate relative movement between
6 the base body and the actuation element, **and that it is this relative movement which moves**
7 **the valve from the open to closed condition and from closed to open condition** (see element
8 (b) of claim 21 and element (b) of claim 29). This arrangement is in contrast to the valve 37
9 shown in the Rastetter patent. Even if one considers the valve piston 39 in the Rastetter patent to
10 be mounted on the body 7 via pipe 21 (and the Applicant still respectfully disagrees with this
11 characterization), the condition of the valve 37 in the Rastetter patent is controlled exclusively by
12 the relative position of the valve piston 39 and the cylinder (unnumbered) within which the valve
13 piston resides. That is, any relative movement between the body 7 in the Rastetter patent and
14 valve piston 39 (or any other part of valve 37) has no bearing on the condition of the valve 37 as
15 being open or closed.

16 Because the Rastetter patent does not disclose each limitation set out in independent
17 claims 21 and 29, the Applicant believes claims 21 and 29, and their respective dependent
18 claims, including claims 22 and 27 depending from claim 21, are not anticipated by the Rastetter
19 patent. The Applicant therefore respectfully requests that the Section 102 rejections stated in the
20 FOA be withdrawn. Considering that there are no other objections or rejections remaining in the
21 case, the Applicant believes the case is in condition for allowance.

1 III. CONCLUSION

2 For at least the above reasons, the Applicant respectfully requests reconsideration and
3 allowance of claims 21-40.

4 If the Examiner should feel that any issue remains as to the allowability of these claims,
5 or that a further telephone conference might expedite allowance of the claims, he is asked to
6 telephone the undersigned attorney at the number listed below.

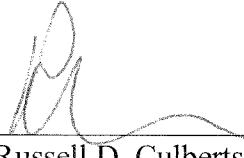
7

8 Respectfully submitted,

9 The Culbertson Group, P.C.

10

11 Date: 15 Sept. 2010

12 By: 
13 Russell D. Culbertson, Reg. No. 32,124
14 3811 Bee Cave Road, Suite 108
15 Austin, Texas 78746
16 512-327-8932
17 ATTORNEY FOR APPLICANT

18 18_1000_Response_100804FOA.wpd